

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

THOMAS E. BURNETT, *et al.*,

PLAINTIFFS,

vs.

AL BARAKA INVESTMENT AND
DEVELOPMENT CORPORATION, *et al.*,

DEFENDANTS.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5-11-04**

No. 03-MD-1570 (RCC)

No. 03-CV-9849 (RCC)

FILED ELECTRONICALLY

**MOTION FOR LEAVE TO FILE MEMORANDUM
IN OPPOSITION TO MOTION TO INTERVENE AS PARTIES-PLAINTIFF**

Defendants Saudi Binladin Group ("SBG"), Bakr Binladin, Omar Binladin, Tariq Binladin, and Khalid Bin Mahfouz (hereinafter collectively "Undersigned Defendants") hereby respectfully request this Court to grant them leave to file the attached Memorandum in Opposition to Motion to Intervene as Parties-Plaintiff in the *Burnett* matter brought by Federal Insurance Company, Pacific Indemnity Company, and Vigilant Insurance Company (hereinafter collectively "Applicants"). Applicants filed their motion to intervene in the *Burnett* action on October 10, 2003 in the District Court for the District of Columbia. Although the Undersigned Defendants did not respond at that time, while their petition to transfer these actions was pending before the Panel on Multidistrict Litigation ("MDL"), it has recently become clear, as discussed more fully in the attached memorandum in opposition, that Applicants' motion, if granted, will hinder the orderly advancement of these cases and disrupt the work of the parties to negotiate an agreed-upon schedule for managing these complex consolidated actions. The Undersigned

Defendants therefore respectfully request leave to file the attached memorandum in opposition.

The Undersigned Defendants do not, however, seek to present oral argument before the Court at the hearing scheduled for May 12.

Dated: April 30, 2004

Respectfully submitted,

/s/ E. Michael Bradley

E. Michael Bradley (EB-7822)
Geoffrey S. Stewart (GS-5413)
JONES DAY
222 East 41st Street
New York, New York 10017-6702
Tel: (212) 326-3939
Fax: (212) 755-7306

Stephen J. Brogan (admitted *pro hac vice*)
Timothy J. Finn (admitted *pro hac vice*)
Jonathan C. Rose (admitted *pro hac vice*)
James E. Gauch (admitted *pro hac vice*)
Melissa D. Stear (admitted *pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Tel: (202) 879-3939
Fax: (202) 626-1700

*Attorneys for Defendants SBG, Bakr Binladin,
Omar Binladin, Tariq Binladin, and Khalid Bin
Mahfouz*

Motion for Leave to
File is granted.

5/7/04

Richard B. Lewis